



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Trustee's Third Accounting of Trust Assets and Petition for Its Approval; for Waiver of Future Accountings and for Allowance of Attorney's Fees and Costs

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|--------------------------|----------------------|---|---|
| | | JOYCE A. HENRY , Trustee, is petitioner. | NEEDS/PROBLEMS/COMMENTS: |
| | | Account period: 05/01/12 – 04/30/14 | |
| | | Accounting - \$419,215.90 | <p>Note: If further accountings are not dispensed with, a status hearing will be set as follows:</p> <ul style="list-style-type: none"> Monday, 07/11/16 at 9:00 a.m. in Department 303 for the filing of the fourth account. <p>Pursuant to Local Rule 7.5 if the required accounting is filed 10 days prior to the hearing on the matter the status hearing will come off calendar and no appearance will be required.</p> |
| | | Beginning POH - \$327,870.67 | |
| | | Ending POH - \$228,866.56 | |
| | | Trustee - not addressed | |
| | | Attorney - \$3,927.00 (Per declaration and itemization, 4.55 attorney hours @ \$280/hr. and 17.6 paralegal hours @ \$140/hr.) | |
| | | Attorney costs - \$435.00 (certified copy and filing fees) | |
| | | Petitioner states that settlement payments from AIGA are all deposited electronically into the blocked account. The Court has authorized these payments to be distributed to Petitioner to pay for beneficiary's expenses, including care-giving services provided by Petitioner. The authorized payments are electronically transferred from the blocked account to a checking account established by Petitioner in the name of the Trust. The court has not required Petitioner to account for the expenses paid on behalf of beneficiary with these funds, but has required Petitioner to file a bond in the amount of \$46,500.00. Petitioner, who is beneficiary's mother, has cared for beneficiary exclusively since the accident which occurred while beneficiary was a minor and left her permanently severely disabled. The Court has required Petitioner to provide a biennial accounting for the blocked account. This is the third accounting of those funds. No withdrawals above the monthly settlement payments are permitted without a court order. Petitioner therefore requests that future accountings of the blocked account be waived until such time as the Trust attorney's fees and costs necessitated by the accountings but will not in any way be detrimental to the Trust or the Trust beneficiary, because there will be no change in the requirement of court approval for all disbursements from the account. | |
| | | Continued on Page 2 | |
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| Cont. from 100614 | | | |
| | Aff.Sub.Wit. | | |
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| | Inventory | | |
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| | Letters | | |
| | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| | | | <p>Reviewed by: JF</p> <p>Reviewed on: 10/28/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 – Tyler</p> |

Petitioner states that on 05/03/12 the Court approved Petitioner's petition for the expenditure of \$53,652.00 for a new van to transport the Trust beneficiary. Petitioner delivered a cashier's check to David John of Driving Specialties, Ltd. on 05/14/12. Petitioner had been dealing with David John and this company for many years. Petitioner had no reason to believe that the van would not be delivered as promised. However, on 07/20/12, Petitioner had a conversation with David John and received an e-mail from him on 07/26/12 indicating that the van would not be delivered. Petitioner learned that there were 10 other individuals whose funds had been taken by David John in a similar manner. On 09/04/12, Petitioner submitted a claim to International Fidelity Insurance Company ("IFIC") the surety that issued the bond of David John on behalf of Driving Specialties, Ltd. Petitioner also filed an Investigative Complaint with the DMV. Petitioner also received correspondence from attorney Charles Sosa of the law firm representing IFIC indicating that the claims exceeded the amount of the bond and that IFIC would file an interpleader complaint if no agreement could be reached among all parties as to how the proceeds of the bond would be divided. Ultimately, the Interpleader Complaint was filed in Solano County. Petitioner, unsophisticated in litigation and most other legal matters, did not understand the meaning of being named a defendant in the action and did not believe she had to do anything further related to the litigation. Petitioner did not attempt to contact her attorney, Barrus and Roberts, P.C., nor any other attorney, regarding the theft of Trust funds by David John. Petitioner, Joyce Henry, had a default entered against her on 11/19/12. When attorney Roberts began preparing this Third Account, Petitioner relayed the details of this matter and provided him with all of the correspondence she had received, as well as her notes. In the meantime, in March 2013, David John applied the sum of \$3,000.00 as a down payment to facilitate Petitioner's purchase of a used 2011 Ford E350 van on 03/15/13. David John also indicated that he would make the payments on the van as they came due. Ultimately, in addition to the \$3,000.00 down payment, he has paid Petitioner an additional \$1,000.00 on 08/12/13 and \$500.00 each on 9/10/13 and 05/22/14 for a total of \$5,000.00. The monthly payments for the replacement van of \$521.52 began on 04/29/13. Petitioner also received a refund from the DMV in the amount of \$113.00. The contract for the replacement van was for a 6 year payout, with a total sum of \$37,549.44 ultimately due for the vehicle. Petitioner has been making the monthly payments on the replacement van from her own personal funds. On the accounting, since the money paid for the van authorized by the court was gone and no part of it was applied against the purchase of the replacement van, the book value shown is \$0.00. The current blue book value market value of the replacement van is estimated to be \$17,946.00. Petitioner apologizes to the court for her failure to contact her attorney, but truly believed that the actions filed in this matter would protect the Trust's interests to the fullest extent possible.

Bond is currently posted in the amount of \$46,500.00.

Petitioner prays for an order:

1. Settling and allowing the account and report and approving and confirming the acts of Petitioner and the Trust from 05/01/12 through 4/30/2014;
2. Authorizing and directing the Trustee to pay to Gregory J. Roberts the sum of \$3,927.00 for legal services and the sum of \$435.00 for costs advanced; and
3. Waiving future accountings of the blocked account until such time as the Trust terminates or the court otherwise orders.

Continued on Page 3

Attorney's Statement Regarding Repayment of Funds to Trust filed 10/22/14 includes a calculation and plan of restitution of funds misappropriated by David John, a Promissory Note, and a Deed of Trust with Assignment of Rents. The plan indicates that Trustee, Joyce Henry will continue making payments on the new van with her own funds (payments total \$37,549.44). According to the plan of restitution, there will be a balance remaining of \$10,989.56 after all payments on the new van are complete, but it is anticipated that the fair market value of the van will exceed that amount when the payments are complete. The promissory note is to be non-interest bearing, as the amounts still due to be paid on the new van include interest.

2 Harold P. Hanson (Estate)
Atty Markeson, Thomas A. (for Petitioner/Executor Frank Volpa)
Atty Berger, Bruce J. (for Sigma Chi Building Foundation)
Atty Hall, Christopher (for Sigma Chi Foundation)

Case No. 0596442

Petition for Instructions for Further Hearing

| | | | |
|---|----------------------|---|--|
| DOD: 7/27/1997 | | FRANK VOLPA , Executor, is petitioner. | NEEDS/PROBLEMS/COMMENTS: 1. Sigma Chi Foundation owes a filing fee of \$435.00 for the filing of their response. Note: The pleadings say that all interested parties submitted documents, however no documents were filed by Sigma Chi Foundation. It appears Sigma Chi appeared at the hearing but they have never paid a filing fee in this matter. |
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| | CI Report | | |
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| | Status Rpt | | |
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| | Citation | | |
| | FTB Notice | | |
| <p>Petitioner states on 5/28/14 he filed a Petition for Instructions regarding a "Gift Agreement" he executed in January 2008. All interested parties submitted documents on their positions in the matter and the matter was heard on 7/14/14. The court ordered those interested parties to submit an order.</p> <p>Petitioner is informed that the parties have been unable to agree regarding the terms of the order.</p> <p>Order dated 9/19/14 reset the Petition for Instructions regarding the "Gift Agreement."</p> <p>In the Petition for Instructions Petitioner stated on October 9, 2007 he obtained an Order for Final Distribution. On December 4, 2007, the court modified the order nunc pro tunc to correct the serial number on two savings bonds.</p> <p>In pertinent part the disposition section of the 2007 order reads as follows: "To Sigma Chi Foundation, for scholarships for the Beta Delta Chapter of Sigma Chi . . ."</p> <p>In January 2008 Sigma Chi officials presented a "Gift Agreement" to the executor regarding the funds. Based on the letter (attached as Exhibit A) and directed by Raymond Love, Petitioner executed the agreement on behalf of the estate (copy of the agreement attached as Exhibit B). Petition is informed that since that time, and pursuant to the Gift Agreement, the funds delivered to Sigma Chi have been used only for members of the Beta Delta Chapter and have been used to fund academic scholarships to attend the University of Montana, and scholarships for Sigma Chi Foundation leadership training programs.</p> <p>Please see addition page</p> | | | |

Reviewed by: KT

Reviewed on: 10/29/14

Updates:

Recommendation:

File 2 – Hanson

Petitioner is informed that a dispute exists between the Sigma Chi Foundation and the Sigma Chi Building Foundation (reportedly a Montana non-profit corporation which was authorized by resolution dated 4/14/14, of the Beta Delta Chapter of Sigma Chi Fraternity). The Sigma Chi Foundation alleges that the funds should only be used for academic scholarships to attend the University of Montana and not for leadership training or any other use.

Petitioner states he has no independent knowledge of whether the decedent intended that the funds be used only for the purposes of funding scholarships to the University of Montana, or whether the decedent's intent would allow for scholarships to attend Sigma Chi developed leadership and other such programs as well. The attorney who drafted the will, Ruth Ratzlaff, received the document attached as Exhibit C from Harold Hanson prior to her preparation of the will. The handwritten portion in the middle of the page appears to provide a bequest to the Sigma Chi Foundation for "an annual scholarship at Beta Delta Chapter in Missoula to be chosen by the Board of Governors." In addition, at the bottom of the page, Harold Hanson typed and wrote the following: "an annual Scholarship Fund, BETA DELTA CHAPTER OF SIGMA CHI, Missoula Mt to be chosen by the Board of Governors of Sigma Chi at 1714 Hinman ave. Evanston, ILL 60201."

Petitioner prays that the court either approve and confirm the execution of the Gift Agreement dated, January 23, 2008, or alternatively, that the court enter such other orders/instructions as the court deems appropriate.

Sigma Chi Building Foundation's Points and Authorities in Response to Executor's Petition for Instructions filed on 7/10/14. Sigma Chi Building Foundation concludes the use by Sigma Chi Foundation of the Hanson bequest for "educational programs" and "leadership training" goes against the intent of Mr. Hanson in establishing "a scholarship fund" for Beta Delta. Under the circumstances Sigma Chi Building Foundation respectfully requests the court order Sigma Chi Foundation to: (1) restrict the use of the Hanson bequest to scholarships to active members of Beta Delta to attend University of Montana, and to cease using the Hanson bequest for Sigma Chi Foundation-sponsored educational or leadership programs; (2) provide an accounting for all funds or other assets received as part of the Hanson bequest; and, (3) alternatively, respond to limited discovery requests propounded by SCBF in lieu of an accounting.

Declaration of James W. Thompson in Support of Sigma Chi Building Foundation's Points and Authorities filed on 7/10/14. Mr. Thompson states on 4/7/14, the active members of Beta Delta Chapter, resolved in writing to authorize Sigma Chi Building Foundation to act on Beta Delta's behalf with regard to all matters concerning the bequest from Harold P. Hanson, deceased, to the Beta Delta Chapter.

Neither Beta Delta nor Sigma Chi Building Foundation learned of Mr. Hanson's scholarship funds to Beta Delta until early 2014.

On 4/29/14 and on 5/16/14, on behalf of Sigma Chi Building Foundation, Mr. Thompson states he wrote Sigma Chi Foundation requesting the status of Mr. Hanson's gift of scholarship funds, and how those funds had been used. By letter dated 5/28/14 J. Ashley Woods, General Counsel for Sigma Chi Foundation, responded.

Mr. Thompson states he is informed and believes that Sigma Chi Foundation has yet to award any scholarships from Mr. Hanson's bequest. Mr. Thompson states he has made repeated requests to Sigma Chi Foundation to account for all funds received from Mr. Hanson's estate, all which have been declined.

Please see additional page

Sigma Chi Building Foundation's Further Points and Authorities in Response to Executor's Petition for Instructions filed on 10/20/14. Sigma Chi Building Foundation states both Sigma Chi Building Foundation and Sigma Chi Foundation submitted proposed orders, neither of which the court was inclined to sign, and, while thereafter some progress was made in negotiating a compromise order, the parties reached an impasse regarding Sigma Chi Foundation's accounting obligation.

As of 10/7/14, Sigma Chi Foundation has hired new counsel, who apparently aims to attack the heart of the court's earlier ruling by contending that Sigma Chi Building Foundation lacks standing to challenge the executor's agreement with Sigma Chi Foundation to use the Hansen bequest contrary to the wishes of the testator. Sigma Chi Foundation's contention is without merit, and by failing to challenge Sigma Chi Building Foundation's standing at the 7/14/14 hearing Sigma Chi Foundation effectively waived this issue in favor of Sigma Chi Building Foundation.

At this juncture, the issue properly before the court is the scope of the order as it relates to "transparency" and in effect, Sigma Chi Foundation's duty to account to Sigma Chi Building Foundation/Beta Delta.

The Declaration of Bruce J. Berger filed on 7/18/14 explains the differences in the proposed orders submitted after the 7/14/14 hearing. The parties were unable to negotiate a compromise order, despite their good faith efforts.

At this point, the court's guidance is needed to establish the extent to which Sigma Chi Foundation shall be held to account to its beneficiary with regard to the Hanson bequest.

Declaration of Bruce J. Berger filed on 7/18/14 states that on 7/17/14 he e-mailed J. Ashley Woods, an authorized officer of Sigma Chi Foundation a copy of an earlier version of Sigma Chi Building Foundation's proposed order. The idea was to obtain Mr. Woods' approval as to form. Later that day, Mr. Berger states he received from Mr. Woods a proposed alternative order which deleted without explanation portions of Sigma Chi Building Foundation's proposed order. Based on the deletions, it appears that Sigma Chi Foundation believes it has some wiggle room with regard to the use of the Hanson bequest for other than "scholarships," and that Sigma Chi Foundation takes issue with the provisions in Sigma Chi Building Foundation's proposed order requiring accounting by Sigma Chi Foundation to Sigma Chi Building Foundation with "transparency," and declaring null and void the March, 2008 Gift Agreement between the executor and Sigma Chi Foundation.

Mr. Berger states first he recalls, and his notes from the hearing reflect, the court's clearly stated expectation that Sigma Chi Foundation will account to Sigma Chi Building Foundation with "transparency." In order to address any ambiguity, Mr. Berger states he added some time parameters that he submits are entirely reasonable, given the fiduciary responsibility of Sigma Chi Foundation to Sigma Chi Building Foundation with regard to the Hanson bequest.

Second, Mr. Berger states he took the court's ruling to restrict the meaning of the word "scholarship" to its literal academic sense, to mean that the Hanson bequest can be used only for qualified applicants from the Beta Delta Chapter of Sigma Chi to obtain the advantages of a college education at the University of Montana and shall not be used for educational and/or leadership programs sponsored by Sigma Chi Foundation, and/or any other purpose.

Please see additional page

Declaration of Bruce J. Berger filed on 7/18/14 (continued):

Third, Mr. Berger states given the court's ruling restricting the meaning of the word "scholarship," the logical extension of that ruling is that the March, 2008 Gift Agreement, the entire purpose of which was to allow use of the Hanson bequest for other than "scholarships," is rendered a dead letter; i.e., the Gift Agreement is null and void.

Sigma Chi Foundation's Response to Sigma Chi Building Foundations Further Points and Authorities filed on 10/27/14 states Sigma Chi Building Foundation's Further Points and Authorities contains inaccurate statements of law and mischaracterizes the nature of the proceedings to date. Sigma Chi Building Foundation's request for an accounting misses the mark, overreaches, and is nothing more than an impermissible attempt to control and direct the Sigma Chi Foundation's activities, which this court should not endorse or permit. Not only are Sigma Chi Building Foundation's claims not germane to the administration of the Estate, but California Government Code section 12598 specifically prohibits Sigma Chi Building Foundation's attempt to control, direct, or otherwise monitor Sigma Chi Foundation. Sigma Chi Building Foundation lacks standing to seek any orders from this court regarding the scholarship fund in question and specifically lacks standing to obtain an accounting.

Sigma Chi Foundation asks the court to deny Sigma Chi Building Foundation's request for accountings and further asks this court to enter an order according to the Executor's proposed Order on the Petition for Instructions.

Legal arguments included in the response.

Sigma Chi Foundation requests this Court enter the Order previously submitted by counsel for the Executor Frank J. Volpa, which provides:

1. The scholarship fund established under paragraph 2 of the Fourth Article of the Will of Harold P. Hanson shall be used only for qualified applicants from the Beta Chapter of Sigma Chi Fraternity to obtain advantages of a college education at the University of Montana where the Beta Delta Chapter is established.
2. In light of the foregoing, paragraph one, section 1 of the March 2008 Gift Agreement between Executor, Frank J. Volpa and the Sigma Chi Foundation shall be amended to read as follows:
"Sponsorship at a rate to be determined by the Sigma Chi Foundation to provide academic scholarships to the University of Montana for members of the Beta Delta Chapter of Sigma Chi Fraternity."
3. The scholarship fund established under Paragraph 2 of the Fourth Article of the Will of Harold P. Hanson shall continue to be administered by Sigma Chi Foundation.

**Second Amended First and Final Accounting and Report of Status of Administration;
 Petition for Settlement Thereof; for Allowance of Statutory Attorney and
 Administrator's Compensation; for Reimbursement of Costs Advanced; and
 Petition to Close Estate**

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|-------------------------------------|-------------------------|---|---|
| DOD: 08/15/04 | | CAROLYN LEWIS , Executor, is Petitioner. | NEEDS/PROBLEMS/ COMMENTS: CONTINUED FROM 10/06/14 Minute Order from 10/06/14 states: The Court directs counsel to file a declaration. 1. The Petition requests that the full statutory fee be paid to the Attorney, however, Probate Code § 12205 states that the Court may reduce compensation to the personal representative and/or attorney when the time taken to close the estate exceeds the time prescribed in the code, etc. The decedent died in 2004 and Letters were issued on 12/08/05. The Court may consider reducing the requested compensation. |
| | | Accounting is waived. | |
| | | I & A - \$200,000.00 | |
| | | POH - \$44,675.17 | |
| Cont. from 082514, 100614 | | Executor - waived | |
| <input type="checkbox"/> | Aff.Sub.Wit. | Attorney - \$4,000.00 (statutory) | |
| <input checked="" type="checkbox"/> | Verified | Costs - \$1,213.00 (filing fees, publication, probate referee) | |
| <input checked="" type="checkbox"/> | Inventory | Distribution, pursuant to decedent's will, is to: | |
| <input checked="" type="checkbox"/> | PTC | Carolyn Lewis- \$39,462.17 | |
| <input checked="" type="checkbox"/> | Not.Cred. | Declaration of Philip Flanigan in Support of Allowance of Statutory Attorney Fees filed 10/20/14 states: as attorney for the personal representative, Carolyn Lewis, he prepared the initial Petition for Probate and supporting documents, Inventory & Appraisal and he required notices. After obtaining appointment as Executor, Ms. Lewis sold the real property asset of the estate and moved. She did not provide any forwarding information to the attorney. Correspondence sent to Ms. Lewis was not returned but no response was received either. As such, the file was thereafter ignored and only upon the Court's requiring the proper closing of the probate did his office engage in additional efforts to try and locate Ms. Lewis and file this Petition. Mr. Flanigan states that his office has done all that is required in order to complete the process and thus, he submits has earned the right to statutory compensation. While the matter would not have been closed absent the Court's insistence, the fact remains that his office's efforts allowed Petitioner, who is the sole beneficiary of the estate, to be able to sell the property. Nevertheless, if the Court disagrees, he is willing to abide by the Court's determination as to reasonable compensation for his services and have no objection to a reduction in the compensation being requested. Declarant understands that Ms. Lewis is not in good health and thus his primary objective is to get this matter closed. | |
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| | Letters 12/06/05 | | |
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| | Video Receipt | | |
| | CI Report | | |
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| <input checked="" type="checkbox"/> | Order | | |
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| | | | Reviewed by: JF |
| | | | Reviewed on: 10/28/14 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 3 - Geise |

**Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for
Failure to File a First Account or Petition for Final Distribution**

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| | | <p>TAKAKO RENGE, spouse, was appointed Administrator with full IAEA without bond on 10/10/2006.</p> <p>Letters issued on 10/10/2006.</p> <p>Inventory and Appraisal was due on 03/2007.</p> <p>First Account or Petition for Final Distribution was due 12/2007.</p> <p>Notice of Status Hearing was mailed to Lawson K. Renge on 11/22/2013.</p> <p>Former Status Report filed 03/05/2014 states the majority of the Estate has been transferred without the need for probate order.</p> <p>There remains some miscellaneous property appearing in the name of decedent, Howard Renge aka Howard Kange Renge, which may require the need for a court order.</p> <p>The primary reason to keep the estate open is to provide continuing administrative authority to the Administrator to transfer property, if any, required by third party (ies) pursuant to court order.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 08/19/2014.</p> <p>Minute Order of 06/20/2014 (Judge Black): Mr. Renge requests additional time to determine if there are any other properties.</p> <p>Minute Order of 03/07/2014(Judge Hamlin): Counsel to prepare an order indicating that the administrator has the authority to transfer property. Order is to be sent to Department 73 for Judge Hamlin's review and signature.</p> <p>As of this Examiner's review there has been nothing filed.</p> <p>1. Need Inventory and Appraisal and First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p> |
| Cont. from 030714, 062014, 081914 | | | |
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| Reviewed by: LV |
| Reviewed on: 10/28/2014 |
| Updates: |
| Recommendation: |
| File 4 – Renge |

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| | | NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>First and Final Account filed 10-14-14 is set for hearing on 11-20-14</p> |
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| | | Reviewed by: skc |
| | | Reviewed on: 10-28-14 |
| | | Updates: |
| | | Recommendation: |
| | | File 5 - Anguiano |

Atty Kruthers, Heather H., of County Counsel (for Petitioner Public Administrator)

First and Final Account and Report of Administrator and Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and For Distribution

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|-------------------------------------|----------------------|--|----------------------------------|
| DOD: 7/7/2011 | | PUBLIC ADMINISTRATOR , Administrator with Will Annexed, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: |
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| | | Account period: 7/3/2012 – 5/20/2014 | Continued from 9/15/2014. |
| | | Accounting - \$241,666.61 | |
| | | Beginning POH - \$220,000.00 | |
| | | Ending POH - \$ 28,461.02 (all cash) | |
| Cont. from 091514 | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> | Verified | Administrator - \$7,633.34 (statutory) | |
| <input checked="" type="checkbox"/> | Inventory | | |
| <input checked="" type="checkbox"/> | PTC | Administrator XO - \$2,248.00 (per Local Rule 7.18(B)(1) for sale of two parcels of real property; and for 1 Deputy hour @ \$96 per hour and 2 assistant hours @ \$76 per hour for preparation and filing of fiduciary tax returns;) | |
| <input checked="" type="checkbox"/> | Not.Cred. | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | |
| <input checked="" type="checkbox"/> | Aff.Mail | Attorney - \$7,633.34 (statutory) | |
| <input checked="" type="checkbox"/> | Aff.Pub. | | |
| | Sp.Ntc. | Costs - \$471.50 (filing fee, probate referee, publication, certified copies) | |
| | Pers.Serv. | | |
| | Conf. Screen | Bond fee - \$604.17 (OK) | |
| | Letters | Distribution pursuant to Decedent's Will is to: | |
| | Duties/Supp | GAGE ANTHONY CERVELLI – \$9,870.67 cash. | |
| | Objections | Petitioner prays for an Order: | |
| | Video Receipt | 1. Approving, allowing and settling the First and Final Account and confirming and approving all acts of the Petitioner as Administrator; | |
| | CI Report | 2. Authorizing payment of the Administrator and Attorney fees and commissions; | |
| <input checked="" type="checkbox"/> | 9202 | 3. Since the whereabouts of GAGE ANTHONY CERVELLI are not known, authorizing Petitioner to deposit any remaining balance of funds with the Fresno County Treasury pursuant to Probate Code § 11850(a). | |
| <input checked="" type="checkbox"/> | Order | | |
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| <input checked="" type="checkbox"/> | FTB Notice | | |

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

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| DOD: 05/29/2009 | DALE GEORGE MELL , son, was appointed Executor with full IAEA authority with bond set at \$85,000.00 on 10/19/2013. | NEEDS/PROBLEMS/COMMENTS: |
| | Letters issued 01/14/2013. | |
| Cont. from 041814, 060614, 080514, 091614 | Inventory & Appraisal filed 03/08/2013 shows an estate valued at \$235,148.00 consisting of real property. | Minute Order of 09/16/2014: The Court issues Order to Show Cause with Sanctions of \$800 to Dale G. Mell for failure to perform duties. Counsel will notify Bond Company of Issues. |
| Aff.Sub.Wit. | Minute Order of 10/19/2013 set this matter for hearing. | Minute Order of 08/05/2014: Attorney Krbecheck is not present on today's date. The Court will continue the matter to continue the matter to accommodate his appearance. |
| Verified | Former Status Report filed 06/02/2014 the most recent hearing on this matter was on 04/18/2014. Attorney informed the Court, he has a solid working draft of the petition for final distribution. Bank records necessary to complete the petition were subpoenaed on 04/28/2014. The subpoena requested production of the bank records by 05/23/2014. The bank has communicated that they are assembling the documents and should be able to produce them on or about 06/06/2014. With this information the schedules on the petition for final distribution can be completed. Based on the forgoing a 30 day continuance of the Status Hearing is requested in order to complete and file the petition for final distribution. | Minute Order of 04/18/2014: The Court notes that the bond has been posted and the minute order of 10/19/2012 shows Dale G. Mell as the executor. Dale G. Mell is ordered to be personally present on 06/06/2014 if the required documents have not been filed. |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | Declaration of Randolph Krbechek filed 08/05/2014 states he cannot attend the hearing set for 08/05/2014 because he is required to be in Redwood City at the same time for the final Pre-Trial conference in a pending superior court action. The trial in San Mateo case is set to commence on 08/11/2014. Based thereon, it is respectfully requested that the court continue the hearing on this matter to its next available date. | Copy of Minute Order mailed to Dale G. Mell on 04/18/2014. 1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties. |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | Please see additional page | Reviewed by: LV |
| FTB Notice | | Reviewed on: 10/29/2014 |
| | | Updates: |
| | | Recommendation: |
| | | File 7A – Mell |

Declaration of Randolph Krbechek Regarding Case Management Conference and Request for Continuance filed 09/15/2014 states he has known the executor, Dale Mell, for many years as a fellow professional. Mr. Mell is a licensed surveyor, each have worked together on numerous matters. He has also testified as an expert witness in cases that Attorney Krbechek has tried. For reasons that cannot be fully understood each is experiencing inordinate difficulty in closing the estate. Attorney Krbechek requests the Court's assistance in addressing this matter.

Order to Show Cause

| | | | |
|-------------------------------------|----------------------|---|--|
| DOD: 05/29/2009 | | <p>DALE GEORGE MELL, son, was appointed Executor with full IAEA authority with bond set at \$85,000.00 on 10/19/2013.</p> <p>Minute Order of 09/16/2014: The Court issues Order to Show Cause with Sanctions of \$800 to Dale G. Mell for failure to perform duties. Counsel will notify Bond Company of Issues.</p> <p>Notice of Order to Show Cause was mailed to Dale G. Mell on 09/19/2014.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need payment in the amount of \$800.00 for sanctions imposed on Dale G. Mell, Executor.</p> <p>Note: H.M. Vreeland and Son (Bonding Company) was served by mail on 09/17/2014.</p> |
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| <input type="checkbox"/> | Verified | | |
| <input type="checkbox"/> | Inventory | | |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | |
| <input checked="" type="checkbox"/> | Aff.Mail | | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input type="checkbox"/> | Conf. Screen | | |
| <input type="checkbox"/> | Letters | | |
| <input type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
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| <input type="checkbox"/> | Order | | |
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| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |
| | | <p>Reviewed by: LV</p> <p>Reviewed on: 10/29/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7B – Mell</p> | |

7B

Atty Jaech, Jeffrey A., of Baker Manock & Jensen (for Petitioner Marilyn Z. Cunha, Guardian)

(1) First Account and Report of Guardian, (2) Petition for Allowance of Attorneys' Fees and (3) for Order Dispensing With Further Accountings Until the Guardianship is Terminated

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|-------------------------------------|----------------------|---|--|---|--------------------|---------------|---|--------------------|------------|---|----------------------------------|----------|---|---------------|----------|---|--|-------|---|---|---|
| Age: 12 years | | <p>MARILYN Z. CUNHA, paternal grandmother and Guardian of the Person appointed on 4/19/2012, and Guardian of the Estate appointed on 6/24/2013, is Petitioner.</p> <p>Account period: 6/24/2013 – 6/9/2014</p> <table> <tr> <td>Accounting</td> <td>-</td> <td>\$43,486.47</td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td>\$43,483.19</td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td>\$36,119.97 (all cash)</td> </tr> <tr> <td>Guardian</td> <td>-</td> <td>waives</td> </tr> <tr> <td>Attorney</td> <td>-</td> <td>\$3,419.00 (per Declaration of Jeffrey A. Jaech filed 8/28/2014 and itemization at Exhibit A; for 36.60 hours @ attorney rate of \$395.00 and paralegal rate of \$150.00; total \$6,838.00 allocated ½ from each minor;)</td> </tr> <tr> <td>Costs</td> <td>-</td> <td>\$746.25 (filing fees, certified copies, copies of records, process service; total \$1,492.50 allocated ½ from each minor;)</td> </tr> </table> <p>Petitioner states all funds of the guardianship estate are held in a blocked account, and the annual income for this accounting period was \$3.28; because of the costs and attorneys' fees required for the preparation and filing of accountings, Petitioner submits it is wasteful and imprudent to account to the court bi-annually.</p> <p>Petitioner requests that all future bi-annual accountings be dispensed with, and that Petitioner need only file a final accounting at the termination of the Guardianship, pursuant to Local Rule 7.8.2.</p> | Accounting | - | \$43,486.47 | Beginning POH | - | \$43,483.19 | Ending POH | - | \$36,119.97 (all cash) | Guardian | - | waives | Attorney | - | \$3,419.00 (per Declaration of Jeffrey A. Jaech filed 8/28/2014 and itemization at Exhibit A; for 36.60 hours @ attorney rate of \$395.00 and paralegal rate of \$150.00; total \$6,838.00 allocated ½ from each minor;) | Costs | - | \$746.25 (filing fees, certified copies, copies of records, process service; total \$1,492.50 allocated ½ from each minor;) | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Pages 9 and 10</u> are related matters.</p> <p>Note: If Court grants Petitioner's request to dispense with accountings until termination of the Guardianship, Court will set a Status Hearing as follows:</p> <ul style="list-style-type: none"> Thursday, November 19, 2020 at 9:00 a.m. in Dept. 303 for the filing of the final account of the Guardianship. <p>Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.</p> |
| Accounting | - | | \$43,486.47 | | | | | | | | | | | | | | | | | | |
| Beginning POH | - | | \$43,483.19 | | | | | | | | | | | | | | | | | | |
| Ending POH | - | | \$36,119.97 (all cash) | | | | | | | | | | | | | | | | | | |
| Guardian | - | | waives | | | | | | | | | | | | | | | | | | |
| Attorney | - | | \$3,419.00 (per Declaration of Jeffrey A. Jaech filed 8/28/2014 and itemization at Exhibit A; for 36.60 hours @ attorney rate of \$395.00 and paralegal rate of \$150.00; total \$6,838.00 allocated ½ from each minor;) | | | | | | | | | | | | | | | | | | |
| Costs | - | | \$746.25 (filing fees, certified copies, copies of records, process service; total \$1,492.50 allocated ½ from each minor;) | | | | | | | | | | | | | | | | | | |
| Cont. from 100714 | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | | | | | | | | | | | | | | | | | | | |
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| <input checked="" type="checkbox"/> | Inventory | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | PTC | | | | | | | | | | | | | | | | | | | | |
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| <input checked="" type="checkbox"/> | Notice of Hrg | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Aff.Mail | | W/ O | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Aff.Pub. | | | | | | | | | | | | | | | | | | | | |
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| <input type="checkbox"/> | Pers.Serv. | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Conf. Screen | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Letters | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Duties/Supp | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Objections | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Video Receipt | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | CI Report | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | 2620(c) | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Order | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Aff. Posting | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Status Rpt | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | UCCJEA | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Citation | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | FTB Notice | | | | | | | | | | | | | | | | | | | | |

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| Reviewed by: LEG |
| Reviewed on: 10/28/14 |
| Updates: |
| Recommendation: |
| File 8 – Cunha |

Atty Jaech, Jeffrey A., of Baker Manock & Jensen (for Petitioner Marilyn Z. Cunha, Guardian)

(1) First Account and Report of Guardian, (2) Petition for Allowance of Attorneys' Fees and (3) for Order Dispensing With Further Accountings Until the Guardianship is Terminated

| | | | | | | | | | | | | |
|-------------------------------------|----------------------|---|--------------------|---|--------------------|---------------|---|--------------------|------------|---|--------------------|---|
| Age: 10 years | | <p>MARILYN Z. CUNHA, paternal grandmother and Guardian of the Person appointed on 4/19/2012, and Guardian of the Estate appointed on 6/24/2013, is Petitioner.</p> <p>Account period: 6/24/2013 – 6/9/2014</p> <table> <tr> <td>Accounting</td> <td>-</td> <td>\$43,486.47</td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td>\$43,483.19</td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td>\$36,119.97</td> </tr> </table> <p>(all cash)</p> <p>Guardian - waives</p> <p>Attorney - \$3,419.00 (per Declaration of Jeffrey A. Jaech filed 8/28/2014 and itemization at Exhibit A; for 36.60 hours @ attorney rate of \$395.00 and paralegal rate of \$150.00; total \$6,838.00 allocated ½ from each minor;)</p> <p>Costs - \$746.25 (filing fees, certified copies, copies of records, process service; total \$1,492.50 allocated ½ from each minor;)</p> <p>Petitioner states all funds of the guardianship estate are held in a blocked account, and the annual income for this accounting period was \$3.28; because of the costs and attorneys' fees required for the preparation and filing of accountings, Petitioner submits it is wasteful and imprudent to account to the court bi-annually.</p> <p>Petitioner requests that all future bi-annual accountings be dispensed with, and that Petitioner need only file a final accounting at the termination of the Guardianship, pursuant to Local Rule 7.8.2.</p> | Accounting | - | \$43,486.47 | Beginning POH | - | \$43,483.19 | Ending POH | - | \$36,119.97 | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Pages 8 and 10 are related matters.</p> <p>Note: If Court grants Petitioner's request to dispense with accountings until termination of the Guardianship, Court will set a Status Hearing as follows:</p> <ul style="list-style-type: none"> Thursday, August 25, 2022 at 9:00 a.m. in Dept. 303 for the filing of the final account of the Guardianship. <p>Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.</p> |
| Accounting | - | | \$43,486.47 | | | | | | | | | |
| Beginning POH | - | | \$43,483.19 | | | | | | | | | |
| Ending POH | - | | \$36,119.97 | | | | | | | | | |
| Cont. from 100714 | | | | | | | | | | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Verified | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Inventory | | | | | | | | | | | |
| <input type="checkbox"/> | PTC | | | | | | | | | | | |
| <input type="checkbox"/> | Not.Cred. | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Aff.Mail | | W/ O | | | | | | | | | |
| <input type="checkbox"/> | Aff.Pub. | | | | | | | | | | | |
| <input type="checkbox"/> | Sp.Ntc. | | | | | | | | | | | |
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| <input type="checkbox"/> | Conf. Screen | | | | | | | | | | | |
| <input type="checkbox"/> | Letters | | | | | | | | | | | |
| <input type="checkbox"/> | Duties/Supp | | | | | | | | | | | |
| <input type="checkbox"/> | Objections | | | | | | | | | | | |
| <input type="checkbox"/> | Video Receipt | | | | | | | | | | | |
| <input type="checkbox"/> | CI Report | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | 2620(c) | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Order | | | | | | | | | | | |
| <input type="checkbox"/> | Aff. Posting | | | | | | | | | | | |
| <input type="checkbox"/> | Status Rpt | | | | | | | | | | | |
| <input type="checkbox"/> | UCCJEA | | | | | | | | | | | |
| <input type="checkbox"/> | Citation | | | | | | | | | | | |
| <input type="checkbox"/> | FTB Notice | | | | | | | | | | | |

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| Reviewed by: LEG |
| Reviewed on: 10/28/14 |
| Updates: |
| Recommendation: |
| File 9 - Cunha |

Atty Jaech, Jeffrey A.; Manock, Charles K.; of Baker Manock & Jensen (for Petitioner Juliana Cunha, mother)

(1) First Account and Report of Guardian, (2) Petition for Allowance of Attorneys' Fees and (3) for Order Dispensing With Further Accountings Until the Guardianship is Terminated

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|--|--|--|
| Age: 9 years | JULIANA CUNHA , mother and Guardian of the Estate appointed on 6/24/2013, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: |
| | | Pages 8 and 9 are related matters. |
| | | Note: If Court grants Petitioner's request to dispense with accountings until termination of the Guardianship, Court will set a Status Hearing as follows: |
| Cont. from 100714 | Account period: 6/24/2013 – 7/7/2014 | <ul style="list-style-type: none"> Thursday, February 9, 2023 at 9:00 a.m. in Dept. 303 for the filing of the final account of the Guardianship. |
| <input type="checkbox"/> Aff.Sub.Wit. | Accounting - \$43,594.91 | Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required. |
| <input checked="" type="checkbox"/> Verified | Beginning POH - \$43,583.19 | |
| <input checked="" type="checkbox"/> Inventory | Ending POH - \$43,594.91 (all cash) | |
| <input type="checkbox"/> PTC | Guardian - waives | |
| <input type="checkbox"/> Not.Cred. | Attorney - \$4,608.50 (per Declaration of Jeffrey A. Jaech filed 8/28/2014 and itemization at Exhibit A; for establishment of guardianship estate, blocked account deposit, first account; 23.70 hours @ attorney rate of \$395.00 and paralegal rate of \$150.00;) | |
| <input checked="" type="checkbox"/> Notice of Hrg | Costs - \$896.00 (filing fees, certified copies;) | |
| <input checked="" type="checkbox"/> Aff.Mail <small>W/O</small> | Petitioner states all funds of the guardianship estate are held in a blocked account, and the annual income for this accounting period was \$11.72 ; because of the costs and attorneys' fees required for the preparation and filing of accountings, Petitioner submits it is wasteful and imprudent to account to the court bi-annually. | |
| <input type="checkbox"/> Aff.Pub. | Petitioner requests that all future bi-annual accountings be dispensed with, and that Petitioner need only file a final accounting at the termination of the Guardianship, pursuant to Local Rule 7.8.2. | |
| <input type="checkbox"/> Sp.Ntc. | | |
| <input type="checkbox"/> Pers.Serv. | | |
| <input type="checkbox"/> Conf. Screen | | |
| <input type="checkbox"/> Letters | | |
| <input type="checkbox"/> Duties/Supp | | |
| <input type="checkbox"/> Objections | | |
| <input type="checkbox"/> Video Receipt | | |
| <input type="checkbox"/> CI Report | | |
| <input checked="" type="checkbox"/> 2620(c) | | |
| <input checked="" type="checkbox"/> Order | | |
| <input type="checkbox"/> Aff. Posting | | |
| <input type="checkbox"/> Status Rpt | | |
| <input type="checkbox"/> UCCJEA | | |
| <input type="checkbox"/> Citation | | |
| <input type="checkbox"/> FTB Notice | | |
| | | Reviewed by: LEG |
| | | Reviewed on: 10/28/14 |
| | | Updates: |
| | | Recommendation: |
| | | File 10 - Cunha |

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| DOD: 10-7-12 | JOAN ST. LOUIS , Spouse, filed Petition for Assumption of Law Practice of David St. Louis on 9-6-13. | NEEDS/PROBLEMS/COMMENTS: |
| Cont. from 111313, 112013, 010814, 022614, 052814, 062514, 092214 | Background: Mrs. St. Louis' petition requested: 1) That the Court assume jurisdiction over the law practice of David J. St. Louis and appoint attorney PAUL T. CHAMBERS to represent and assist the Court in assuming jurisdiction; 2) Allow Mr. Chambers to appoint himself as receiver and take possession and control of any and all bank accounts related to Mr. St. Louis' law practice, including the attorney-client trust account which contained \$54,502.09 at 3-31-13; 3) Coordinate with Allison St. Louis, former legal secretary, to determine the clients entitled to funds and the amounts each is owed; 4) Upon determining the recipients and the amounts owed, that Mr. Chambers be allowed to issue checks to the recipients without further court order; 5) Specifically, that Mr. Chambers be allowed, without further Court order, to issue checks from a certain estate account (John K. Shirin Estate) to those recipients entitled thereto; and 6) Upon completion, provided accounting. | Note: Page B is the status hearing for filing of the accounting. |
| Aff.Sub.Wit. | Non-Opposition to Petition was filed 9-30-13 by the State Bar of California. | Reviewed by: skc |
| Verified | A Creditor's Claim and Request for Special Notice was filed 9-30-13 by Attorney J. Patrick Sullivan, who represents Walter Wentz, Creditor. | Reviewed on: 10-28-14 |
| Inventory | Limited Opposition to Petition was filed 10-9-13 by BIANCA SORIA . Ms. Soria states she was a client of Mr. St. Louis, who was wired \$65,000.00 in connection with a settlement. Ms. Soria requested that as a condition to granting the petition, that the Court direct Mr. Chambers to distribute the funds to her, or to post appropriate bond. | Updates: |
| PTC | At hearing on 10-16-13, the Court granted the petition with additional orders and set this status hearing. See Page 2 for specifics. | Recommendation: |
| Not.Cred. | Subsequent to the hearing, both attorneys David Roberts and Donald Cram submitted competing proposed orders. | File 11A – St. Louis |
| Notice of Hrg | Therefore, the Court was to address the competing proposed orders at this status hearing on 11-13-13. | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
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SEE ADDITIONAL PAGES

Page 2

Minute Order 10-16-13: Mr. Cram is appearing via CourtCall on behalf of Bianca Soria. The Court accepts Mr. Roberts representation that Attorney Timothy Magill has been given notice. The Court finds that Patrick James' client has been properly served. The Court will allow the interlineation under 9764. The Court grants the petition and waives bond. The Court orders that the \$41,155.89 be paid within 30 days. The Court notes that there are no funds to pay Attorney Chambers and he is acting in pro bono. Matter set for Status Hearing on 11/13/13. If everything is completed by 11/13/13, no appearances will be necessary. Set on 11/13/13 at 9am in Dept 303 for Status Hearing. Additional hearing dates 3/6/14 at 9am Dept 303 for Status Re Accounting; Petition is granted; Order to be signed ex parte.

Attorney David A. Roberts submitted a proposed Order that contains orders as follows:

1. Granting the petition that the Court assume jurisdiction over the law practice, including, but not limited to, dispersing [sic] funds held in the attorney-client trust account;
2. Appointing Paul T. Chambers to represent and assist the Court in assuming jurisdiction over the law practice without bond and shall receive no compensation;
3. That Mr. Chambers coordinate with Allison St. Louis to determine the clients entitled to files, documentation, and/or funds and the amounts each is owed;
4. That the amount that Mr. Chambers finds due to Ms. Soria shall be paid within 30 days from the entry of this order without further Court order;
5. That Mr. Chambers be allowed to appoint himself receiver and take possession of the various accounts and have signature power over such accounts, including that certain account fbo John K. Shirin or his heirs;
6. That after determining the recipients of the files, documents, and money, and the amount thereof, that Mr. Chambers is given the authority to disburse such without further Court order;
7. That Mr. Chambers is authorized without further Court order to issue checks from the John K. Shirin account to those recipients entitled thereto;
8. That upon completing the foregoing tasks, Mr. Chambers provide an accounting, upon approval of which he shall be discharged; and
9. That Mr. Chambers inform the Court of any other action taken as the Court's representative;
10. Setting hearing for approval of the final account on 3-6-14.

Attorney Donald H. Cram submitted an Alternate proposed Order that includes, in addition to the above orders, that Mr. Chambers shall disburse no less than \$41,155.89 to Ms. Soria within 30 days without further Court order.

Note: Per Minute Order 2-26-14, bond of \$47,000.00 was required. Bond was filed 3-17-14. No further status report or accounting has been filed.

Note: The Court had originally set status hearing for 3-6-14 for the filing of the accounting. On 3-6-14, that status hearing was continued with this status hearing. See Page B.

Note: The Order for Court Assumption of the Law Practice of David J. St. Louis, Deceased, and Appointing Paul T. Chambers Practice Administrator with Related Powers of Administration was signed on 3-26-14. An Amended Order was signed by the Court 5-14-14, which included specific distribution relative to the Shirin Estate.

Note: The amended order was apparently submitted to the Court for signature ex parte without petition. \$60.00 is due for the amended order.

Status Hearing Re: Filing of Accounting of the Practice Administrator

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| Cont. from 030614, 032614, 052814, 062514, 092214 | | |
| | Aff.Sub.Wit. | |
| | Verified | |
| | Inventory | |
| | PTC | |
| | Not.Cred. | |
| | Notice of Hrg | |
| | Aff.Mail | |
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| | Sp.Ntc. | |
| | Pers.Serv. | |
| | Conf. Screen | |
| | Letters | |
| | Duties/Supp | |
| | Objections | |
| | Video Receipt | |
| | CI Report | |
| | 9202 | |
| | Order | |
| | Aff. Posting | |
| | Status Rpt | |
| | UCCJEA | |
| | Citation | |
| | FTB Notice | |

| | |
|--|--|
| <p>DAVID J. ST. LOUIS, an attorney, passed away 10-7-12.</p> <p>On 10-16-13, pursuant to the petition of JOAN ST. LOUIS, Attorney PAUL T. CHAMBERS was appointed as Practice Administrator pursuant to Probate Code §9764 without bond.</p> <p>At the hearing on 10-16-13, the Court set this status hearing for the filing of a final accounting by the Practice Administrator pursuant to Probate Code §9764(h).</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 3-6-14, 3-26-14, 5-28-14, 6-25-14, 9-22-14</u></p> <p><u>Note</u>: First Account of IOLTA Trust Funds by Court Appointed Practice Administrator and Status Report was filed 10-30-14 and set for hearing on 12-16-14. (This matter was not taken off calendar administratively because it was continued by the Court.)</p> |
| | Reviewed by: skc |
| | Reviewed on: 10-28-14 |
| | Updates: |
| | Recommendation: |
| | File 11B – St. Louis |

| | | | |
|--------------------------|--|---|---|
| | | STEPHANEE WOODWARD , Cousin, was appointed as Guardian of the Person and Estate pursuant to Order entered 8-28-14 with all fund to be blocked. | NEEDS/PROBLEMS/COMMENTS: Continued from 9-30-14 <u>Minute Order 9-30-14:</u> Counsel will file documents regarding issues on Examiner Notes. <u>As of 10-28-14, nothing further has been filed. The following issue remains:</u> 1. Need receipt for blocked account (MC-356) or verified status report pursuant to Local Rule 7.5. <u>Note:</u> Guardianship of the estate was requested in order to obtain any insurance or pension funds due the minor; however, at the time of appointment, the nature and amounts expected were unclear. The Court may require clarification regarding actions taken to determine whether the minor is entitled to lump sums or monthly payments, and if so, need Order to Deposit Money Into Blocked Account (MC-355). <u>Note:</u> The Court also set a status date of <u>1-13-15</u> for the filing of the Inventory and Appraisal. |
| | | | |
| Cont. from 093014 | | Separately on 8-28-14, the Court set this status hearing for the filing of the receipt for blocked account and sent notice to Attorney Van Doren. | |
| Aff.Sub.Wit. | | | |
| Verified | | | |
| Inventory | | | |
| PTC | | | |
| Not.Cred. | | | |
| Notice of Hrg | | | |
| Aff.Mail | | | |
| Aff.Pub. | | | |
| Sp.Ntc. | | | |
| Pers.Serv. | | | |
| Conf. Screen | | | |
| Letters | | | |
| Duties/Supp | | | |
| Objections | | | |
| Video Receipt | | | |
| CI Report | | | |
| 9202 | | | |
| Order | | | |
| Aff. Posting | | | |
| Status Rpt | | | |
| UCCJEA | | | |
| Citation | | | |
| FTB Notice | | | |

Amended Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

| | | | |
|------------------------|----------------------|--|---------------------------------|
| DOD: 07/26/2013 | | ROY BORUNDA , brother is petitioner and requests appointment as Administrator without bond. | NEEDS/PROBLEMS/COMMENTS: |
| | | | |
| | | | |
| | | | |
| Cont. from | | All heirs waive bond – See Note | |
| | Aff.Sub.Wit. | Full IAEA - ? | |
| ✓ | Verified | Decedent died intestate | |
| | Inventory | | |
| | PTC | Residence: Caruthers | |
| | Not.Cred. | Publication: Need | |
| ✓ | Notice of Hrg | Estimated value of the Estate: | |
| ✓ | Aff.Mail | Personal property - \$159,000.00 | |
| | Aff.Pub. | Probate Referee: Rick Smith | |
| | Sp.Ntc. | | |
| | Pers.Serv. | | |
| | Conf. Screen | | |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |

NEEDS/PROBLEMS/COMMENTS:

1. Need Affidavit of Publication.

Note: The Original Petition filed 08/25/2014 requested bond set at \$250,000.00. Attached to that petition were waivers of bond from each of the heirs. It is unclear if those waivers of bond are still applicable to this petition since they were attached to the original petition where bond had been requested. The Court may require additional waivers of bond.

Note: If the petition is granted status hearings will be set as follows:

• **Monday, 03/02/2015 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal and

• **Monday, 01/04/2016 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

Reviewed by: LV

Reviewed on: 10/29/2014

Updates:

Recommendation:

File 13B – Borunda

| | | | | | | | | |
|--|---|--------------------|-------------|----------------|---------------|--------|---------------|--|
| <div style="border: 1px solid black; padding: 2px;">DOD: 8-1-13</div> <div style="border: 1px solid black; padding: 2px;"> </div> <div style="border: 1px solid black; padding: 2px;"> </div> <div style="border: 1px solid black; padding: 2px;"> </div> <div style="border: 1px solid black; padding: 2px;"> </div> <div style="border: 1px solid black; padding: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 100px;">Aff.Sub.Wit.</div> <div style="width: 100px;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 100px;">✓ Verified</div> <div style="width: 100px;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px;">Inventory</div> <div style="border: 1px solid black; padding: 2px;">PTC</div> <div style="border: 1px solid black; padding: 2px;">Not.Cred.</div> <div style="border: 1px solid black; padding: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 100px;">Notice of Hrg</div> <div style="width: 100px;">x</div> </div> </div> <div style="border: 1px solid black; padding: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 100px;">Aff.Mail</div> <div style="width: 100px;">x</div> </div> </div> <div style="border: 1px solid black; padding: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 100px;">Aff.Pub.</div> <div style="width: 100px;">x</div> </div> </div> <div style="border: 1px solid black; padding: 2px;">Sp.Ntc.</div> <div style="border: 1px solid black; padding: 2px;">Pers.Serv.</div> <div style="border: 1px solid black; padding: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 100px;">Conf. Screen</div> <div style="width: 100px;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 100px;">Letters</div> <div style="width: 100px;">x</div> </div> </div> <div style="border: 1px solid black; padding: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 100px;">Duties/Supp</div> <div style="width: 100px;">x</div> </div> </div> <div style="border: 1px solid black; padding: 2px;">Objections</div> <div style="border: 1px solid black; padding: 2px;">Video Receipt</div> <div style="border: 1px solid black; padding: 2px;">CI Report</div> <div style="border: 1px solid black; padding: 2px;">9202</div> <div style="border: 1px solid black; padding: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 100px;">Order</div> <div style="width: 100px;">x</div> </div> </div> <div style="border: 1px solid black; padding: 2px;">Aff. Posting</div> <div style="border: 1px solid black; padding: 2px;">Status Rpt</div> <div style="border: 1px solid black; padding: 2px;">UCCJEA</div> <div style="border: 1px solid black; padding: 2px;">Citation</div> <div style="border: 1px solid black; padding: 2px;">FTB Notice</div> | <p>PRIMAVERA DAMME, Daughter, is Petitioner and requests appointment as Administrator with Full IAEA with bond of \$175,000.00.</p> <p>Petitioner is a resident of Mesa, AZ.</p> <p>Full IAEA – need publication</p> <p>Decedent died intestate</p> <p>Residence: Fresno</p> <p>Publication: need publication</p> <p>Estimated value of estate:</p> <table style="width: 100%;"> <tr> <td>Personal property:</td> <td style="text-align: right;">\$ 5,000.00</td> </tr> <tr> <td>Real property:</td> <td style="text-align: right;">\$ 170,000.00</td> </tr> <tr> <td>Total:</td> <td style="text-align: right;">\$ 175,000.00</td> </tr> </table> <p>Probate Referee: Rick Smith</p> | Personal property: | \$ 5,000.00 | Real property: | \$ 170,000.00 | Total: | \$ 175,000.00 | <p>NEEDS/PROBLEMS/COMMENTS:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p style="text-align: center; font-weight: bold; font-size: 1.2em;">CONTINUED TO 12-3-14</p> <p style="text-align: center;">Per attorney request</p> <ol style="list-style-type: none"> 1. Need Duties and Liabilities of Personal Representative (DE-147) and Confidential Supplement (DE-147S) 2. Need Notice of Petition to Administer Estate (DE-121) 3. Need proof of service of Notice of Petition to Administer Estate at least 15 days prior to the hearing pursuant to Probate Code §8110 on all parties listed at #8 of the petition: <ul style="list-style-type: none"> - Javier F. Sanchez (son) - Daniel Adan Sanchez (son) 4. Need publication pursuant to Probate Code §8120. 5. Need Order. 6. Need Letters. </div> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> Reviewed by: skc </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> Reviewed on: 10-28-14 </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> Updates: </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> Recommendation: </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> File 14 – Valencia </div> |
| Personal property: | \$ 5,000.00 | | | | | | | |
| Real property: | \$ 170,000.00 | | | | | | | |
| Total: | \$ 175,000.00 | | | | | | | |

| | | |
|---|---|--|
| | | |
| | TEMPORARY CONSERVATORSHIP OF THE PERSON AND ESTATE EXPIRES 11-3-14 | NEEDS/PROBLEMS/COMMENTS: |
| | The FRESNO COUNTY PUBLIC GUARDIAN is Petitioner and requests appointment as Conservator of the Person with medical consent powers under Probate Code §2355 and dementia placement powers under Probate Code §2356.5. | Court Investigator advised rights on 10-10-14. |
| <input type="checkbox"/> Aff.Sub.Wit. | | Voting rights affected - Need minute order |
| <input checked="" type="checkbox"/> Verified | | Note: The temporary conservatorship order authorized Petitioner to change the residence of the proposed Conservatee and also authorized medical consent powers pursuant to the Capacity Declaration. |
| <input type="checkbox"/> Inventory | | |
| <input type="checkbox"/> PTC | | |
| <input type="checkbox"/> Not.Cred. | | |
| <input checked="" type="checkbox"/> Notice of Hrg | Voting rights affected | |
| <input checked="" type="checkbox"/> Aff.Mail | A Capacity Declaration was filed 9-19-14. | |
| <input type="checkbox"/> Aff.Pub. | Estimated Value of Estate: | |
| <input type="checkbox"/> Sp.Ntc. | Personal property: \$ 10,500.00 | |
| <input checked="" type="checkbox"/> Pers.Serv. w | Annual income (pensions): \$ 48,000.00 | |
| | Public Assistance (SSA): \$ 8,400.00 | |
| | Real property: \$ 125,000.00 | |
| <input type="checkbox"/> Conf. Screen | Petitioner states the proposed Conservatee was residing in her own home with her son until very recently. In August, she was found wandering, confused and agitated, in her complex, and was taken to the hospital. Her son, Alan, was also taken to the hospital. Ms. Craig is unable to care for herself or take her medication on her own. Ms. Craig is also unable to manage her assets. Her son Alan was helping her pay bills, but was paying his bills with her money as well. Alan is also unable to care for Ms. Craig due to his own medical issues. | 1. The Court may require clarification regarding the request to sell the proposed conservatee's former residence with reference to Probate Code §2540. Has the proposed sale been discussed with Ms. Craig? |
| <input checked="" type="checkbox"/> Letters | | Note: If the petition is granted, status hearings will be set as follows: |
| <input type="checkbox"/> Duties/Supp | | <ul style="list-style-type: none"> Monday, April 6, 2015 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Monday, April 4, 2016 at 9:00 a.m. in Department 303, for the filing of the first account current. |
| <input type="checkbox"/> Objections | | |
| <input type="checkbox"/> Video Receipt | | |
| <input checked="" type="checkbox"/> CI Report | | |
| <input type="checkbox"/> 9202 | | |
| <input checked="" type="checkbox"/> Order | Petitioner also requests authority to sell Ms. Craig's house and personal property no longer needed by her. The Public Guardian is researching options for her to be able to live at home, but if it is determined that Alan also requires placement in a facility, having the authority to sell granted at this time would benefit the proposed conservatee's estate. | Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required. |
| <input type="checkbox"/> Aff. Posting | | Reviewed by: skc |
| <input type="checkbox"/> Status Rpt | | Reviewed on: 10-28-14 |
| <input type="checkbox"/> UCCJEA | | Updates: |
| <input checked="" type="checkbox"/> Citation | Court Investigator Samantha D. Henson filed a report on 10-24-14. | Recommendation: |
| <input type="checkbox"/> FTB Notice | | File 15 – Craig |

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

| | | | |
|-------------------------------------|----------------------|---|---|
| DOD: 9-21-14 | | TERRY NOVACK , named Executor without bond, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: |
| | | | |
| | | Full IAEA – need publication | <ol style="list-style-type: none"> Documents are not properly tumbled pursuant to Cal. Rules of Court, Rule 2.134. Attorney is reminded to make sure documents filed in the future are properly tumbled. |
| | | Will dated 6-9-14 | |
| <input type="checkbox"/> | Aff.Sub.Wit. | S/P | <ol style="list-style-type: none"> #5 of the Petition is incomplete at (a)(7) and (a)(8). Was the decedent survived by issue of a predeceased child? |
| <input checked="" type="checkbox"/> | Verified | | |
| <input type="checkbox"/> | Inventory | | <ol style="list-style-type: none"> #8 of the Petition does not provide the relationships to the decedent of the people listed. |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | <ol style="list-style-type: none"> Need names and dates of deaths of the decedent's spouse and daughter pursuant to Local Rule 7.1.1.D. (Although the decedent's will references dates of death, this information is required to be provided and verified by the Petitioner.) |
| <input checked="" type="checkbox"/> | Notice of Hrg | | |
| <input checked="" type="checkbox"/> | Aff.Mail | | <ol style="list-style-type: none"> Petitioner appears to have stricken the listing of the decedent's grandson, James Bandy at #8 of the Petition, and he was not given notice of this petition. Although James Bandy is specifically excluded as an heir pursuant to the decedent's will, because he is specifically mentioned in the will, he may be entitled to notice of this proceeding. See Probate Code §8110 and Cal. Rules of Court, Rule 7.51(d) re notice to a minor, if applicable. |
| <input type="checkbox"/> | Aff.Pub. | X | |
| <input type="checkbox"/> | Sp.Ntc. | | <p align="center"><u>SEE PAGE 2</u></p> |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input type="checkbox"/> | Conf. Screen | | <p>Reviewed by: skc</p> |
| <input type="checkbox"/> | Letters | X | |
| <input checked="" type="checkbox"/> | Duties/Supp | | <p>Reviewed on: 10-28-14</p> |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | <p>Updates:</p> |
| <input type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | <p>Recommendation:</p> |
| <input checked="" type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | <p>File 16 – Bandy</p> |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |

Page 2

NEEDS/PROBLEMS/COMMENTS (Continued):

- 6. Pursuant to Cal. Rules of Court, Rule 7.51(e), notice may be required to the personal representatives of the estates of the post-deceased heirs, or their heirs. The Court may require additional information regarding whether estates have been established for the decedent's spouse and daughter, and may require additional information and notice to their heirs of this proceeding.**
- 7. Notice to Lilarose Bangs was sent "C/O" Bright Horizons. However, direct notice is required pursuant to Cal. Rules of Court, Rule 7.51(a).**
- 8. Need publication pursuant to Probate Code §8120.**
- 9. Need Letters.**

Note: If the petition is granted, status hearings will be set as follows:

- Monday, April 2, 2015** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- Monday, April 4, 2016** at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

| | | | |
|-------------------------------------|----------------------|--|--|
| DOD: 09/22/14 | | JENNIFER WILLIAMSON , sister/named Executor without bond, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: |
| | | | |
| | | Full IAEA – OK | 1. It appears from the Petition that Petitioner is seeking to admit only the 1996 Will to probate; however a later dated (2007) holographic instrument has also been deposited with the court. The Court may require authority to admit a prior will when a more recently dated testamentary instrument also exists. |
| | | | |
| Cont. from | | Will dated 05/03/96 | 2. If the 2007 holographic instrument is to be admitted to probate, will need Proof of Holographic Instrument (form DE-135) and a typed copy of the document pursuant to Probate Code § 8002. |
| | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | Residence: Fresno Publication: The Business Journal | 3. The Petition requests that Jennifer Williamson be appointed as Executor without bond as she is nominated as such in the 1996 will, however, due to the questions regarding the 2007 holographic document, it is unclear whether her appointment as executor is appropriate. The Court may require authority. |
| <input checked="" type="checkbox"/> | Verified | | |
| <input type="checkbox"/> | Inventory | Estimated Value of the Estate: Personal property - \$1,500,000.00 Annual income - 100,000.00 Real property - 130,000.00 Total - \$1,730,000.00 | 4. It would be helpful to the court to know the dates of marriage and divorce of Decedent and Patricia Borrelli. |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | Probate Referee: RICK SMITH | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | |
| <input checked="" type="checkbox"/> | Aff.Mail | | |
| <input checked="" type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input type="checkbox"/> | Conf. Screen | | |
| <input checked="" type="checkbox"/> | Letters | | |
| <input checked="" type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |
| | | | Reviewed by: JF |
| | | | Reviewed on: 10/28/14 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 18 – Williamson |

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

| | | | | |
|-------------------------------------|---------------|---|---------------------------------|-----|
| DOD: 04/30/14 | | CRYSTAL A. NUNES, daughter/named Executor without bond, is Petitioner. Full IAEA – OK Will dated 09/12/13 Residence: Fresno Publication: The Business Journal <u>Estimated Value of the Estate:</u> Personal property - \$ 82,000.00 Real property - 122,000.00 Total - \$204,000.00 Probate Referee: RICK SMITH | NEEDS/PROBLEMS/COMMENTS: | |
| | | | | |
| | | | | |
| Cont. from | | | | |
| <input checked="" type="checkbox"/> | Aff.Sub.Wit. | | | |
| <input checked="" type="checkbox"/> | Verified | | | |
| | Inventory | | | |
| | PTC | | | |
| | Not.Cred. | | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | | |
| <input checked="" type="checkbox"/> | Aff.Mail | | | w/o |
| <input checked="" type="checkbox"/> | Aff.Pub. | | | |
| | Sp.Ntc. | | | |
| | Pers.Serv. | | | |
| | Conf. Screen | | | |
| <input checked="" type="checkbox"/> | Letters | | | |
| <input checked="" type="checkbox"/> | Duties/Supp | | | |
| | Objections | | | |
| | Video Receipt | | | |
| | CI Report | | | |
| | 9202 | | | |
| <input checked="" type="checkbox"/> | Order | | | |
| | Aff. Posting | | | |
| | Status Rpt | | | |
| | UCCJEA | | | |
| | Citation | | | |
| | FTB Notice | | | |
| | | | Reviewed by: JF | |
| | | | Reviewed on: 10/29/14 | |
| | | | Updates: | |
| | | | Recommendation: SUBMITTED | |
| | | | File 19 – Phelps | |

**Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for
Failure to File a First Account or Petition for Final Distribution**

| | | |
|--|--|---|
| DOD: 06/13/2003 | RICHARD MONIZ and HELEN MONIZ , were appointed Executors with full IAEA authority without bond on 09/30/2002. | NEEDS/PROBLEMS/COMMENTS: |
| | | Minute Order of 10/06/2014 (Judge Cardoza): Counsel reports that a petition for final distribution has been prepared and will be filed soon. |
| | | Minute Order of 08/18/2014: Mr. Milnes has located Richard and Helen Moniz and will provide the clerk's office with the address. OSC issued to Richard and Helen to personally appear on 10/06/2014 to explain why they have not fulfilled their duties. |
| Cont. from 020714, 032814, 053014, 070714, 081814, 100614 | Letters issued on 02/23/2004. | Order to Show Cause mailed to Richard Moniz and Helen Moniz on 08/18/2014. |
| Aff.Sub.Wit. | Inventory and Appraisal was due 02/23/2004. | Minute Order of 07/07/2014: Counsel reports that he has been unable to locate Richard Moniz and Helen Moniz. |
| Verified | | Minute Order of 05/30/2014: No appearances. The Court sets the matter for an Order to Show Cause on 07/07/2014 regarding failure to appear. The Court orders Michael Milnes to be personally present on 07/07/2014. |
| Inventory | First Account or Petition for Final Distribution was due on 11/2004. | Copy of Minute Order mailed to Michael Milnes on 05/30/2014. |
| PTC | | Minute Order of 02/07/2014: No appearances. Mr. Milnes is directed to contact his clients regarding this matter. |
| Not.Cred. | | Copy of Minute Order mailed to Michael Milnes on 03/06/2014. |
| Notice of Hrg | Notice of Status Hearing was mailed to Michael Milnes, Attorney, Richard Moniz, and Helen Moniz on 11/20/2013. | 1. Need Final Inventory and Appraisal and First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties. |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | Reviewed by: LV |
| Status Rpt | | Reviewed on: 10/28/2014 |
| UCCJEA | | Updates: |
| Citation | | Recommendation: |
| FTB Notice | | File 20 – Gracie |

Status Hearing for Failure to Have Letters Issue

| | | | |
|--------------------------|--|--|--|
| | | WAYNE L. BANDY, spouse, ARTHUR OSTRANDER, friend (CPA), and TERRY NOVAK, friend (Caregiver), were appointed as Co-Conservators of the Person and Estate with independent powers under Probate Code §2590, without bond. | NEEDS/PROBLEMS/COMMENTS: Minute Order of 10/08/2014 (Judge Cardoza): Counsel reports that Ms. Bandy passed away before letters could be issued. Counsel is ordered to submit written status report. |
| | | | |
| Cont. from 100815 | | Letters have not issued. Notice of Status Hearing was filed 09/03/2014. | 1. Need Letters to issue or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties. |
| Aff.Sub.Wit. | | | |
| Verified | | | |
| Inventory | | | |
| PTC | | | |
| Not.Cred. | | | |
| Notice of Hrg | | | |
| Aff.Mail | | | |
| Aff.Pub. | | | |
| Sp.Ntc. | | | |
| Pers.Serv. | | | |
| Conf. Screen | | | |
| Letters | | | |
| Duties/Supp | | | |
| Objections | | | |
| Video Receipt | | | |
| CI Report | | | |
| 9202 | | | |
| Order | | | |
| Aff. Posting | | | |
| Status Rpt | | | |
| UCCJEA | | | |
| Citation | | | |
| FTB Notice | | | |
| | | | Reviewed by: LV |
| | | | Reviewed on: 10/29/2014 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 21 - Bandy |

| | | | |
|-------------------|---------------|---|---|
| | | <p>MANILA VANG, Sister, is Petitioner and requests appointment as Probate Conservator of the Person with medical consent powers.</p> <p>Voting rights <u>not</u> affected</p> <p>A Capacity Declaration was filed 10-29-14.</p> <p>Petitioner states her sister has had various medical issues since birth and at this time is also mentally ill.</p> <p>Court Investigator Dina Calvillo filed a report on 9-3-14.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 8-26-14.</p> <p><u>Continued from 9-11-14</u></p> <p><u>Minute Order 9-11-14:</u> Petitioner waiting on Capacity Declaration.</p> <p><u>Note:</u> Capacity Declaration was filed 10-29-14.</p> |
| Cont. from 091114 | | | |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| ✓ | Notice of Hrg | | |
| ✓ | Aff.Mail | | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| ✓ | Pers.Serv. | | |
| ✓ | Conf. Screen | | |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | |
| ✓ | Video Receipt | | |
| ✓ | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| ✓ | Citation | | |
| | FTB Notice | | |
| | | Reviewed by: skc | |
| | | Reviewed on: 10-28-14 | |
| | | Updates: 10-29-14 | |
| | | Recommendation: | |
| | | File 22 – Le Chang | |

| | | | |
|-------------------|---------------|--|---|
| DOD: 11-6-13 | | SOURIYA PHOUTHAVONE , Son, is Petitioner and requests appointment as Administrator with Full IAEA without bond. Full IAEA – Need publication Decedent died intestate Residence: Fresno Publication: Need publication Estimated value of estate: \$0 Probate Referee: Rick Smith | NEEDS/PROBLEMS/COMMENTS: <u>Continued from 9-29-14.</u> Minute Order 9-29-14: The Court recommends Petitioner to seek legal advice. Examiner Notes given. <u>As of 10-28-14, nothing further has been filed.</u> <u>The following issues remain:</u> <u>See Page 2</u> |
| | | | |
| | | | |
| | | | |
| | | | |
| Cont. from 092914 | | | |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| | Notice of Hrg | x | |
| | Aff.Mail | x | |
| | Aff.Pub. | x | |
| | Sp.Ntc. | | |
| | Pers.Serv. | | |
| | Conf. Screen | | |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| | | | Reviewed by: skc |
| | | | Reviewed on: 10-28-14 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 23 – Phouthavone |

NEEDS/PROBLEMS/COMMENTS:

1. The petition is blank at #5.a.(3) and (4) and at #5.a.(7) and (8). Need verified declaration with this information. Was the decedent survived by a domestic partner or no domestic partner? Was the decedent survived by issue of a predeceased child or no issue of a predeceased child?
2. Petitioner lists one other relative at #8 – Chaytha Phouthavone – but does not state this relative's relationship to the decedent.

Note: It appears from is person's age that he or she is a sibling of the petitioner. However, Petitioner states at #5.a. that the decedent was survived by a spouse. Need verified declaration containing a complete list of relatives who should be listed per #8.

3. Need Notice of Petition to Administer Estate (Form DE-121) and proof of service of Notice on all relatives at least 15 days prior to the hearing per Probate Code §8110.
4. Need publication pursuant to Probate Code §8120 and Local Rule 7.9.
5. Petitioner estimates the value of the estate at \$0. The Court may require clarification.
6. This petition was filed with a fee waiver. If estate assets are distributed in the future, Petitioner should be aware that the original Court filing fee will be due at that time.

Note: Petitioner may wish to seek legal advice from an attorney as to probate is a necessary or appropriate procedure to handle the decedent's estate. There may be other procedures available to Petitioner depending on the reason for probate. Remember that a document service or paralegal cannot give legal advice. Petitioner is encouraged to research the procedures at the Fresno County Law Library or consult with an attorney to decide how to proceed.

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

| | | | |
|-------------------------------------|----------------------|--|---------------------------------|
| | | <u>TEMPORAR EXPIRES 11/03/14</u> | NEEDS/PROBLEMS/COMMENTS: |
| | | | |
| | | JUNIOR MONEVILAY , brother, is Petitioner. | |
| | | Father: TROY KEOPHOUNSOUK – <i>personally served on 09/02/14</i> | |
| | | Mother: JULIA MONTEVILAY – <i>deceased</i> | |
| | | Paternal grandfather: TOMMY KEOPHOUNSOUK – <i>Served by mail on 09/08/14</i> | |
| | | Paternal grandmother: LAE KEOPHOUNSOUK – <i>Served by mail on 09/08/14</i> | |
| | | Maternal grandparents: DECEASED | |
| | | Petitioner alleges that temporary guardianship is necessary because their mother recently died and their father has threatened to take the children to live with him. Petitioner alleges that their father has not cared for the minors while their mother was ill. Their parents separated in 2013. Petitioner alleges that his mother told him before her death that their father had a history of domestic violence and it is believed that he abuses meth. Petitioner states that their mother was the primary care provider for the children. Petitioner further states that the children have a strong desire to remain with him. | |
| | | Court Investigator Jennifer Daniel filed a report on 10/22/14. | |
| Cont. from | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> | Verified | | |
| <input type="checkbox"/> | Inventory | | |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | |
| <input checked="" type="checkbox"/> | Aff.Mail | w/ | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input checked="" type="checkbox"/> | Conf. Screen | | |
| <input checked="" type="checkbox"/> | Letters | | |
| <input checked="" type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input checked="" type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input checked="" type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |
| | | | Reviewed by: JF |
| | | | Reviewed on: 10/29/14 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 24 – Monevilay |

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|----------------------|---------------------|--|---|-----------------|--|--|------------------|--|--|------------|--|--|------------------|--|---|----------------------|--|---|-----------------|----|--|-----------------|--|--|----------------|--|---|-------------------|--|---|---------------------|--|---|----------------|--|---|--------------------|--|--|-------------------|--|--|----------------------|--|---|------------------|--|--|-------------|--|---|--------------|--|--|---------------------|--|--|-------------------|--|---|---------------|--|--|-----------------|--|--|-------------------|--|---|--|------------------------|------------------------------|-----------------|------------------------|----------------------------|
| Age: 3 Cont. from <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"></td> <td style="width: 85%;">Aff.Sub.Wit.</td> <td style="width: 10%;"></td> </tr> <tr> <td>✓</td> <td>Verified</td> <td></td> </tr> <tr> <td></td> <td>Inventory</td> <td></td> </tr> <tr> <td></td> <td>PTC</td> <td></td> </tr> <tr> <td></td> <td>Not.Cred.</td> <td></td> </tr> <tr> <td>✓</td> <td>Notice of Hrg</td> <td></td> </tr> <tr> <td>✓</td> <td>Aff.Mail</td> <td>w/</td> </tr> <tr> <td></td> <td>Aff.Pub.</td> <td></td> </tr> <tr> <td></td> <td>Sp.Ntc.</td> <td></td> </tr> <tr> <td>✓</td> <td>Pers.Serv.</td> <td></td> </tr> <tr> <td>✓</td> <td>Conf. Screen</td> <td></td> </tr> <tr> <td>✓</td> <td>Letters</td> <td></td> </tr> <tr> <td>✓</td> <td>Duties/Supp</td> <td></td> </tr> <tr> <td></td> <td>Objections</td> <td></td> </tr> <tr> <td></td> <td>Video Receipt</td> <td></td> </tr> <tr> <td>✓</td> <td>CI Report</td> <td></td> </tr> <tr> <td></td> <td>9202</td> <td></td> </tr> <tr> <td>✓</td> <td>Order</td> <td></td> </tr> <tr> <td></td> <td>Aff. Posting</td> <td></td> </tr> <tr> <td></td> <td>Status Rpt</td> <td></td> </tr> <tr> <td>✓</td> <td>UCCJEA</td> <td></td> </tr> <tr> <td></td> <td>Citation</td> <td></td> </tr> <tr> <td></td> <td>FTB Notice</td> <td></td> </tr> </table> | | Aff.Sub.Wit. | | ✓ | Verified | | | Inventory | | | PTC | | | Not.Cred. | | ✓ | Notice of Hrg | | ✓ | Aff.Mail | w/ | | Aff.Pub. | | | Sp.Ntc. | | ✓ | Pers.Serv. | | ✓ | Conf. Screen | | ✓ | Letters | | ✓ | Duties/Supp | | | Objections | | | Video Receipt | | ✓ | CI Report | | | 9202 | | ✓ | Order | | | Aff. Posting | | | Status Rpt | | ✓ | UCCJEA | | | Citation | | | FTB Notice | | <p style="text-align: center;"><u>NO TEMPORARY REQUESTED</u></p> <p>JACK FERNANDEZ and LYDIA FERNANDEZ, maternal grandparents, are Petitioners.</p> <p>Father: AUSTIN MARKS, currently incarcerated, served by mail on 09/09/14</p> <p>Mother: EMILY ROSE FERNANDEZ – personally served on 10/08/14</p> <p>Paternal grandfather: MARIO DILLANES – Declaration of Due Diligence filed 10/09/14 Paternal grandmother: MONICA MARKS-REA – Consent & Waiver of Notice filed 10/09/14</p> <p>Petitioners state that they have been Joseph's unofficial guardians since birth. They now need legal guardianship to take care of his medical needs and enroll him in school. His mother is using drugs and alcohol and neglects his health and dental care. The mother has also stated that she will not allow him to go to school, and has stated that she will home school him, which Petitioners believe will not happen. Petitioner further state that Joseph's father has never contributed to his support or well-being.</p> <p>Court Investigator Samantha Henson filed a report on 10/24/14.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Proof of service filed 10/09/14 indicates that Austin Marks (father) was served by mail at Wasco State Prison per the instructions of prison officials. The Court may require personal service as required pursuant to Probate Code § 1511. Declaration of Due Diligence filed 10/09/14 states that the paternal grandfather's whereabouts are unknown and he has not been seen or heard from for 22 years. If diligence is not found, need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of Person <u>or</u> Consent & Waiver of Notice for Mario Dillanes. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Reviewed by: JF</td> </tr> <tr> <td>Reviewed on: 10/30/14</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 25 – Fernandez</td> </tr> </table> | Reviewed by: JF | Reviewed on: 10/30/14 | Updates: | Recommendation: | File 25 – Fernandez |
| | Aff.Sub.Wit. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ✓ | Verified | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Inventory | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | PTC | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Not.Cred. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ✓ | Notice of Hrg | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ✓ | Aff.Mail | w/ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Aff.Pub. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Sp.Ntc. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ✓ | Pers.Serv. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ✓ | Conf. Screen | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ✓ | Letters | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ✓ | Duties/Supp | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Objections | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Video Receipt | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ✓ | CI Report | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 9202 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ✓ | Order | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Aff. Posting | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Status Rpt | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ✓ | UCCJEA | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Citation | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | FTB Notice | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Reviewed by: JF | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Reviewed on: 10/30/14 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Updates: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Recommendation: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| File 25 – Fernandez | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Petition to Determine Succession to Real Property (Prob. C. 13151)

| | | | |
|-------------------------------------|----------------------|--|--|
| DOD: 7-26-14 | | SANTIAGO LOPEZ, JR. , is Petitioner. (Relationship not stated) | NEEDS/PROBLEMS/COMMENTS: |
| | | 40 days since DOD | |
| | | No other proceedings | 1. Need amended petition based on the following. See also Probate Code §13152: - Petition is blank at #7 (proceedings in other jurisdiction) - Inventory and Appraisal is blank. Need I&A. See #8 of the petition and I&A Form DE-160. Petitioner should contact the Probate Referee for appraisal of the real property. - Attachment 11 does not state the decedent's interest in the real property. - #13 does not state the interest claimed by Petitioner in the real property. - Petitioner's identity and relationship to the decedent is unclear. His name according to the petition is Santiago Lopez, Jr.; however, Attachment 14 lists 11 children of the decedent, including Santiago Lopez (without "Jr."). Is the Santiago Lopez listed in Attachment 14 the same person as Petitioner Santiago Lopez, Jr.? - If so, it is unclear why Petitioner claims that the real property should pass to him only, since all siblings have an equal priority to succeed to the property. If the property will pass to all of them together, they must all petition the Court together pursuant to Probate Code §13151. See also Probate Code §6400 for intestate succession in general. - Need proposed order pursuant to Local Rule. 7.1.1.F. |
| <input type="checkbox"/> | Aff.Sub.Wit. | I&A: ? (blank) | |
| <input checked="" type="checkbox"/> | Verified | Decedent died intestate | |
| <input type="checkbox"/> | Inventory | Petitioner requests ? (not stated) | |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | |
| <input checked="" type="checkbox"/> | Aff.Mail | w/o | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input type="checkbox"/> | Conf. Screen | | |
| <input type="checkbox"/> | Letters | | |
| <input type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | |
| <input type="checkbox"/> | Order | x | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |
| | | | Reviewed by: skc |
| | | | Reviewed on: 10-29-14 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 26 – Lopez |

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

| | | | | |
|---|----------------------|---|---|---|
| | | | NO TEMP WAS REQUESTED | NEEDS/PROBLEMS/COMMENTS: Court Investigator advised rights on 10-9-14 Voting rights affected - Need Minute order 1. Need video receipt pursuant to Local Rule 7.15.8.A. The video and proof of viewing certificate are available online at the Fresno Superior Court website (click on Probate, then Conservatorship), or the video can be viewed at the Probate Clerk's office. |
| | | | | |
| | | | | |
| | | | DIANA and ROBERT CHAPMAN , Parents, are Petitioners and request appointment as Co-Conservators of the Person with medical consent powers under Probate Code §2355. | |
| | | | | |
| | | | | |
| | Aff.Sub.Wit. | | | |
| ✓ | Verified | | Voting rights affected | |
| | Inventory | | | |
| | PTC | | A Capacity Declaration was filed 9-29-14. | |
| | Not.Cred. | | | |
| ✓ | Notice of Hrg | | Petitioners state the proposed Conservatee is diagnosed with severe developmental delay and mental retardation. She suffered a stroke in utero and her official diagnosis is microcephaly, hemiplegia, seizure disorder, global developmental delay, and gerd. She is nonverbal, requires a feeding tube, is wheelchair bond, and is legally blind. She requires 24 hour care and supervision and has resided in a residential care facility since she was about a year old. She will continue to reside there after the conservatorship is granted. The proposed Conservatee graduated from the Rata Special Needs Program in June of this year and now attends Rainmaker Adult Education Center. | |
| ✓ | Aff.Mail | | | |
| | Aff.Pub. | | | |
| | Sp.Ntc. | | | |
| ✓ | Pers.Serv. | | | |
| ✓ | Conf. Screen | | | |
| ✓ | Letters | | | |
| ✓ | Duties/Supp | | | |
| | Objections | | | |
| | Video Receipt | X | | |
| ✓ | CI Report | | | |
| | 9202 | | Court Investigator Jennifer Daniel filed a report on 10-27-14. | |
| ✓ | Order | | | |
| | Aff. Posting | | | |
| | Status Rpt | | | |
| | UCCJEA | | | |
| ✓ | Citation | | | |
| | FTB Notice | | | |
| | | | | Reviewed by: skc |
| | | | | Reviewed on: 10-29-14 |
| | | | | Updates: |
| | | | | Recommendation: |
| | | | | File 27 – Chapman |

| | | | | |
|---|---------------|---|--|---|
| | | | GENERAL HEARING 1-5-15 | NEEDS/PROBLEMS/COMMENTS: |
| | | | JAVIER and ELVIA RODRIGUEZ , Maternal Grandparents, are Petitioners. | <p>1. If notice to the father is not excused, need personal service of Notice of Hearing with a copy of the temporary guardianship petition at least five court days prior to the hearing <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Julio Cesar Novoa (Father)</p> <p>2. The paternal grandparents are not listed. Information regarding the paternal grandparents will be required for the general hearing on 1-5-15, and service will be required pursuant to Probate Code §1511, <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence.</p> |
| | | | Father: JULIO CESAR NOVOA | |
| | | | Mother: ELVIA ELVIRA RODRIGUEZ - Deceased | |
| | | | Paternal Grandfather: Not listed Paternal Grandmother: Not listed | |
| | Aff.Sub.Wit. | | <p>Petitioners state the children's mother died in 2008 and their father is currently residing in Mexico. The father is aware that he is not currently able to provide for the children. The children are currently living with Petitioners and Petitioners are able to provide for all of their needs and the children are happy and secure in their home.</p> <p>Petitioners state temporary guardianship is needed for school and other programs that they are involved in related to their benefit.</p> <p>Petitioners request that the Court excuse notice to the father because he is residing in Mexico.</p> | |
| ✓ | Verified | | | |
| | Inventory | | | |
| | PTC | | | |
| | Not.Cred. | | | |
| | Notice of Hrg | X | | |
| | Aff.Mail | | | |
| | Aff.Pub. | | | |
| | Sp.Ntc. | | | |
| | Pers.Serv. | X | | |
| ✓ | Conf. Screen | | | |
| ✓ | Letters | | | |
| ✓ | Duties/Supp | | | |
| | Objections | | | |
| | Video Receipt | | | |
| | CI Report | | | |
| | Clearances | | | |
| ✓ | Order | | | |
| | Aff. Posting | | | |
| | Status Rpt | | | |
| ✓ | UCCJEA | | | |
| | Citation | | | |
| | FTB Notice | | | |
| | | | | Reviewed by: skc Reviewed on: 10-29-14 Updates: Recommendation: File 28 – Novia-Rodriguez |

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| | | TEMP GRANTED EX PARTE EXPIRES 11-3-14 | NEEDS/PROBLEMS/COMMENTS: |
| | | GENERAL HEARING 1-5-15 | |
| | | JESSE GONZALEZ , Maternal Grandfather, and JODI SCHROEDER , fiancée of Maternal Grandfather, are Petitioners. | <p>1. Need Notice of Hearing.</p> <p>2. Need proof of personal service of Notice of Hearing with a copy of the temporary guardianship petition at least five court days prior to the hearing pursuant to Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:</p> <ul style="list-style-type: none"> - Unknown father of Stephanie Gonzalez - Minors age 12 and older: Stephanie Gonzalez, Robert C. Ripoyla, Jr., and Emmanuel M. Ripoyla <p>3. If notice to Robert Ripoyla (father of five youngest minors) is not excused, need personal service of Notice of Hearing with a copy of the temporary guardianship petition at least five court days prior to the hearing <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:</p> <ul style="list-style-type: none"> - Robert Ripoyla (Father) |
| | | Father (Stephanie): UNKNOWN | |
| | | Father (Robert, Emmanuel, Noah, Isaiah, and Ezekiel): ROBERT RIPOYLA | |
| | | Mother: STEPHANIE RIPOYLA (Deceased) | |
| | | Paternal Grandparents (Stephanie): Unknown | |
| | | Paternal Grandfather (Robert, Emmanuel, Noah, Isaiah, and Ezekiel): Not listed | |
| | | Paternal Grandmother (Robert, Emmanuel, Noah, Isaiah, and Ezekiel): Irma Cisneros | |
| | | Maternal Grandmother: Andrea A. Davalos | |
| | | Petitioners state the mother died in a car accident on 10-4-14. The father of five of the children was abusive in the home. Prior to the mother's death, the children were living with the mother in a motel. They were unable to attend school regularly. Petitioners need to be able to communicate with the schools to ensure the children get back on track with attendance and receive the tutoring help they need to get caught up. | |
| | | Petitioners request the Court excuse notice to Robert Ripoyla, father of five of the children, because his address is unknown and he is violent and gang-affiliated. At this time, he is believed to be a threat of abducting the children. Petitioners state the children do not want to have contact with him. Points and authorities are provided re: good cause exists to dispense with notice to Mr. Ripoyla. The mother was involved in divorce proceedings against him and had a domestic violence restraining order to protect her and the children from his abuse. | |
| | | According to the UCCJEA, the children have been with Petitioners since 10-5-14. Prior to that, they were with their mother in Fresno. | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> | Verified | | |
| <input type="checkbox"/> | Inventory | | |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input type="checkbox"/> | Notice of Hrg | x | |
| <input type="checkbox"/> | Aff.Mail | | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | x | |
| <input checked="" type="checkbox"/> | Conf. Screen | | |
| <input type="checkbox"/> | Letters | | |
| <input checked="" type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | |
| <input type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input checked="" type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |
| | | | Reviewed by: skc |
| | | | Reviewed on: 10-29-14 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 29 – Gonzalez & Ripoyla |